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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of	)	
	)	
An Allocation of Spectrum for the Private Mobile Radio Services	)	RM-9267
	)	
	)	

JOINT COMMENTS

1. Robert W. Denny, Jr. (Denny), Ward W. Fetrow III (Fetrow), and the KB3BOI Repeater Group, Inc. (KB3BOI) submit these comments in response to the above-captioned Petition for Rule Making filed on April 22, 1998, by the Land Mobile Communications Council (LMCC).

2. The LMCC petition seeks the additional allocation of 125 megahertz (MHz) of spectrum over the next ten years for use in the Private Mobile Radio Services (PMRS). The petitioner states that the immediate needs of private radio licensees can be satisfied by reallocating 420-430 MHz and 440-450 MHz from federal government and Amateur Radio Service (ARS) use to PMRS. The UHF spectrum from 420 to 430 MHz and from 440 to 450 MHz proposed for reallocation to the PMRS is currently allocated in Section 2.106 of the FCC Rules for use by the federal government on a primary basis and to the ARS on a secondary basis.

3. Denny and Fetrow are licensed amateur radio operators and directors of KB3BOI.[1] KB3BOI is a nonprofit corporation organized under the laws of the State of Maryland for the purposes of designing, constructing, and maintaining a wide area amateur radio repeater system in the Washington, D.C., metropolitan area; providing emergency public service communications especially in times of special events or natural disasters when other forms of electronic communication may be overloaded or unavailable; training volunteer radio operators; and providing free education of the public in the radio arts. The activities of KB3BOI are privately funded though contributions from more than one hundred licensed amateur radio operators in Maryland, Virginia, and the District of Columbia.

4. LMCC proposes reallocation of two-thirds of the 420 to 450 MHz ARS band regularly used by Denny and Fetrow in pursuit of their avocation and by KB3BOI for coordinated fixed links between the central repeater controller location and remote transmitters and receivers. As loss of 20 MHz of UHF spectrum would negatively impact the more than 600,000 ARS licensees and hamper the activities of KB3BOI and other similar organizations, Denny, Fetrow, and KB3BOI object to the LMCC proposal and urge the FCC to reject the LMCC petition. In the alternative, should the FCC grant the LMCC petition and initiate a rule making proceeding in this

[1] The FCC has assigned ARS call sign N3QYP to Denny and N4QFW to Fetrow.

matter, Denny, Fetrow, and KB3BOI urge the FCC to exclude all ARS allocations from consideration for reallocation, including that spectrum from 420 to 430 MHz and from 440 to 450 MHz targeted by the LMCC for reallocation from the federal government and the ARS to the PMRS.

5. There are more than 6300 coordinated ARS repeaters in the United States (US) that operate in the 420 to 450 MHz ARS band. Most of these existing repeaters operate in the 440 to 450 MHz portion of the band and would be displaced under the LMCC proposal.

6. Under the current ARS 420 to 450 MHz band plan, 420 to 430 MHz is used for amateur television (ATV). ATV operation with video carrier frequencies of 421.25 MHz and 427.25 MHz allows amateur radio operators to use inexpensive and readily available cable-ready consumer television receivers tuned to cable channel 57 or 58 to receive ATV transmissions. Under the LMCC proposal, the ATV portion of the band and two of the most desirable visual carrier frequencies for ATV operation also would be displaced.

7. There are countless numbers of link and control stations operating in the 420 to 430 MHz and the 440 to 450 MHz sub-bands in addition to the coordinated ARS repeaters and ATV stations. Link stations are used to connect remote receivers to the main repeater control system. The use of remote receivers linked to the main repeater system allows a repeater to

provide reliable two-way coverage over a larger area than would be possible using a single receiver. Linked receivers allow amateur repeater users to access repeater systems using less expensive and/or portable transceivers. Control stations operating in portions of the 420 MHz to 430 MHz and 440 to 450 MHz bands enable amateur radio operators to control repeaters and other types of ARS stations remotely using their radios. Because link and control frequencies need not be known by the general public, amateur radio frequency coordinators generally do not publish lists of the coordinated link and control frequencies in use within their coordination area. Nevertheless, there are several thousand link and control stations in use throughout the US, and all of the existing link and control stations operating in the 420 to 430 MHz and 440 to 450 MHz sub-bands would be displaced by the LMCC proposal. Many of these link and control stations are instrumental to the proper operation of repeater and remote base systems in other bands outside of the 420 to 450 MHz band.

8. Link and control station operation is not permitted below 222.1 MHz. Due to a previous reallocation of the lower 2 MHz from the 220 to 225 MHz ARS band, there are only two channels available in the remaining 222 to 225 MHz ARS band for amateur link and control operations. Many amateur link and control operations were displaced from the 220 to 225 MHz band into the already crowded 420 to 450 MHz band by the earlier reallocation. The existing shortage of available channels in the 420 to 450 MHz band in

many areas of the country is evidenced by the displaced 220 to 222 MHz operations that were forced to relocate to the 902 to 928 MHz ARS band, a band virtually ignored by US amateur equipment distributors.

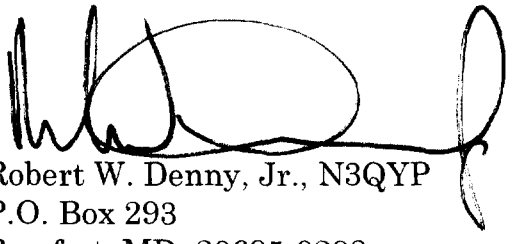
9. There also are a countless number of uncoordinated stations operating in the 420 to 430 MHz and 440 to 450 MHz bands throughout the US in full accordance with the FCC Rules. These stations also would be displaced by the LMCC proposal.

10. Contrary to the LMCC proposal, all of the existing 420 to 450 MHz ARS operators, repeaters, ATV facilities, and link and control stations cannot operate in a shrunken 10 MHz ARS UHF band as suggested by LMCC without increased interference due to crowding, especially in densely populated areas. LMCC also suggests the possibility of ARS/PMRS sharing in the 420 to 430 MHz and 440 to 450 MHz sub-bands, but does not describe how such a sharing arrangement might be implemented.

11. From its assertion that the 420 to 450 MHz band is important to amateurs solely for satellite and ATV communications, it appears that LMCC has overlooked the existing 6300 coordinated repeaters, and the thousands of other links, control stations, and licensed users of this important ARS band.

12. For these reasons, the undersigned urge the FCC to deny the LMCC petition or, in the alternative, exclude all ARS allocations from consideration for reallocation as proposed by LMCC in its petition.

Respectfully submitted,



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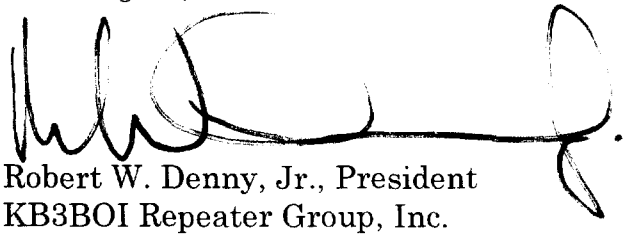

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June 1, 1998

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CERTIFICATE OF SERVICE

I, Robert W. Denny, Jr., do certify that on this 1st day of June 1998, a copy of the foregoing **JOINT COMMENTS** was sent by U.S. mail, first class, postage-prepaid to:

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